

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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STEPHEN J. TOPALIAN,

Civ. Act. No.: 10-cv-1965 (KAM) (VVP)

Plaintiff,

-against-

HARTFORD LIFE INSURANCE COMPANY,

Defendant.

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**DECLARATION OF  
MICHAEL H. BERNSTEIN**

**DOCUMENT  
ELECTRONICALLY FILED**

MICHAEL H. BERNSTEIN, being duly sworn, deposes and states:

1. I am a member of the firm of Sedgwick LLP, attorneys for defendant Hartford Life Insurance Company (“Hartford”). As such, I am fully familiar with the facts and circumstances in this matter.

2. I submit this Declaration and the exhibits annexed hereto in support of Hartford’s motion for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting summary judgment dismissing plaintiff Stephen J. Topalian’s (“Topalian”) Complaint in its entirety and for such other and further relief as this Court may deem just and proper.

3. Topalian filed his Complaint, annexed hereto as Exhibit “A,” in this Court on April 30, 2010, alleging a claim for continuing long-term disability benefits and attorney’s fees under the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. §1001, *et seq.* against Hartford.

4. Hartford timely appeared in the action and served its Answer To Complaint on July 9, 2010. A true and correct copy of the Answer is annexed hereto as Exhibit “B.”

5. By Order dated January 3, 2012 (Doc. No. 47), this Court required that all motions for summary judgment be filed on or before February 29, 2012, opposition briefs by March 28, 2012 and reply briefs by April 11, 2012. Hartford’s motion is timely filed in accord with the Court’s Order.

Dated: New York, New York  
February 29, 2012

I declare under penalty of perjury that the foregoing is  
true and correct.

s/

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MICHAEL H. BERNSTEIN (MB 0579)

**CERTIFICATE OF SERVICE**

I, DANIEL M. MEIER, hereby certify and affirm that a true and correct copy of the attached **DECLARATION OF MICHAEL H. BERNSTEIN** was served **via email** and **via FedEx** on February 29, 2012, upon the following:

Michael E. Quiat Esq.  
Uscher, Quiat, Uscher & Russo  
433 Hackensack Avenue, 2d Floor  
Hackensack NJ 07601  
Business Phone: (201) 342-7100  
Business E-mail: mquiat@uqr.com

Dated: New York, New York  
February 29, 2012

s/  
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DANIEL M. MEIER (DM 2833)